



United States Department of the Interior
U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 Fax: (602) 242-2513



In Reply Refer to:

AESO/SE
22410-2007-I-0010

October 12, 2006

Mr. Michael J. Boyle, Chief
Environmental Gas Branch 1
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

ORIGINAL

RECEIVED
OCT 27 PM 3:51
FEDERAL ENERGY REGULATORY COMMISSION

Re: North Baja Pipeline Expansion, Dockets CP06-61-000 and CP01-23-003

Dear Mr. Boyle:

FA1-1

Thank you for your correspondence of September 27, received on October 2, 2006. This letter documents our review of the North Baja Expansion Project in La Paz County, Arizona, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.). Your letter concluded that the proposed project "may affect, is not likely to adversely affect" the southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), and razorback sucker (*Xyrauchen texanus*) and its critical habitat. We concur with your determinations and provide our rationales below. Our concurrence is only for species that may occur in the vicinity of Ehrenburg, Arizona and the area of the Colorado River where the pipeline would cross under the river. Effects to listed species in California along the remainder of the pipeline route are not included in this analysis. You also concluded that there would be no effect to the bald eagle (*Haliaeetus leucocephalus*), brown pelican (*Pelecanus occidentalis californicus*), bonytail (*Gila elegans*) and desert pupfish (*Cyprinodon macularius macularius*). Species with "no effect" determinations do not require review from the Fish and Wildlife Service, and are not addressed further.

BACKGROUND

The North Baja Pipeline Expansion Project consists of a new, buried natural gas pipeline extending from the existing Ehrenburg Compressor Station, underneath the Colorado River to California, and south to the border with Mexico. Modifications to the Ehrenburg Compressor Station and associated facilities to allow for the operation of the new pipeline are included in the proposed action. The majority of the pipeline route is adjacent to the existing right of way for the A-line of the North Baja Pipeline.

Federal Agencies

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FA1-1

The U.S. Fish and Wildlife Service's (FWS) comments under section 7 of the Endangered Species Act of 1973 (ESA) concurring with the FERC's determinations of effects on listed species in the vicinity of Ehrenburg, Arizona and the area of the Colorado River where the pipeline would cross under the river are noted.

Mr. Michael J. Boyle

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FA1-1
(cont'd)

The proposed action includes conservation measures that would minimize the potential for effects to listed species. These measures are consistent with measures incorporated into the construction of the A-line as a result of section 7 consultation for that project. Briefly, these measures include:

- Protection for southwestern willow flycatchers at the Colorado River crossing site through worker education, sound-and light-abatement walls, restrictions on lighting the work area, restricted access to the riparian areas, and dust abatement.
- Surveys for Yuma clapper rail along the Colorado River and in the Palo Verde Valley, including Davis Lake on the Cibola National Wildlife Refuge.
- Use of horizontal directional drilling to place the new pipeline under the bed of the Colorado River and avoid disturbance to the river habitat of the razorback sucker. All water intakes associated with the project would be screened to prevent entrainment of eggs and small razorback suckers.

A complete description of the proposed action and conservation measures is found in your September 2006 Draft Environmental Impact Statement, which includes the Biological Assessment for the proposed action. That document was provided to us on September 23, 2006.

DETERMINATION OF EFFECTS

FA1-2

We concur with your "may affect, not likely to adversely affect" determinations for the following reasons:

Southwestern willow flycatcher

- Conservation measures included in the proposed action limit the clearing of vegetation in flycatcher habitat to outside of the breeding season. The type of vegetation being removed generally does not qualify as breeding habitat but may be used during migration. Vegetation removal in sensitive areas will be limited to that needed for placement of the pipeline. The amount of vegetation removed that could support flycatcher habitat is not a significant amount in context of the available migration habitat. In addition, the vicinity of the pipeline route across the Cibola National Wildlife Refuge is within the area burned in July 2006 by the Cibola Fire. Therefore, any potential direct or indirect effects on the species are discountable.
- Project effects will largely be limited to daylight hours and effects from nighttime noise and lights have been minimized by conservation measures. These effects are insignificant.

Federal Agencies

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FA1-2

See the response to comment FA1-1.

Mr. Michael J. Boyle

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FA1-2
(cont'd)

Yuma clapper rail

- Placement of the pipeline beneath the Colorado River by directional drilling will avoid effects to marsh habitats that may be occupied by rails. Potential effects of nighttime noise and lighting have been minimized by conservation measures. These effects are insignificant.

Razorback sucker

- Placement of the pipeline beneath the Colorado River by directional drilling will avoid effects to razorback sucker in the river channel. Screening of water intakes will prevent entrainment of all life stages. These effects are insignificant.
- The likelihood of any direct or indirect interaction between the proposed action and primary constituent elements of critical habitat is extremely low; therefore, any effects to critical habitat are assumed to be discountable.

FA1-3

Thank you for your continued coordination. No further section 7 consultation is required for this project in Arizona or at the Colorado River at this time. Should project plans change, or if information on the distribution or abundance of listed species or critical habitat becomes available, this determination may need to be reconsidered. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department. In all future correspondence on this project, please refer to consultation number 22410-2007-I-0010. Should you require further assistance or if you have any questions, please contact me at (602) 242-0210 (x244) or Lesley Fitzpatrick at (x236).

Sincerely,

Steven L. Spangle

for Steven L. Spangle
Field Supervisor

cc: Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Field Supervisor, Carlsbad FWO, Carlsbad, CA
Refuge Manager, Cibola NWR, Cibola, AZ

W:\Lesley Fitzpatrick\07-010 concur.doc:gg

Federal Agencies

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FA1-3

It is noted that no further section 7 consultation is required for the proposed Project in Arizona or at the Colorado River at this time. The FERC will continue to coordinate with the FWS and the Arizona Game and Fish Department. The assigned consultation number will be included on all future correspondence regarding the proposed Project.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011



In Reply Refer To:
FWS-ERIV-5068.1

NOV -1 2006

Michael J. Boyle, Chief
Environmental Gas Branch I
Office of Energy Projects
Federal Energy Regulatory Commission
Washington, D.C. 20426

Subject: Initiation of Formal Consultation on the Proposed North Baja Expansion Project, La Paz County, Arizona; Riverside County, California; and Imperial County, California; OEP/DG2E/Gas 1; Docket Nos. CP06-61-000, CP01-23-003

Dear Mr. Boyle:

FA2-1

The U.S. Fish and Wildlife Service acknowledges your request dated September 27, 2006, and received September 29, 2006, to initiate formal consultation on the subject proposed project. The consultation concerns potential effects of the project on the federally listed desert tortoise (*Gopherus agassizi*) and Peirson's milkvetch (*Astragalus magdalenae* var. *peirsonii*).

All information required from you to initiate consultation was either included with your letter or is otherwise accessible for our consideration and reference. We have assigned log number 1-6-06-F-5068 to this consultation. Please refer to that number in future correspondence on this consultation.

FA2-2

We concur that the proposed project would not be likely to adversely affect the bald eagle (*Haliaeetus leucocephalus*), brown pelican (*Pelecanus occidentalis*), bonytail chub (*Gilia elegans*), and desert pupfish (*Cyprinodon macularis*). We also concur that the proposed project may affect, but is not likely to adversely affect razorback sucker (*Xyrauchen texanus*), southwestern willow flycatcher (*Empidonax traillii eximius*), and Yuma clapper rail (*Rallus longirostris yumanensis*). We also concur that the project is not likely to adversely affect critical habitat for the razorback sucker.

FA2-3

Section 7 of the Act allows the Service up to 90 days to conclude formal consultation with your agency and an additional 45 days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with our biological opinion on or before February 11, 2007.



Federal Agencies

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FA2-1

Thank you for participating in the environmental review process under section 7 of the ESA. It is noted that the FWS has received or has access to all of the information necessary for the FERC to initiate formal consultation. The assigned log number will be included on all future correspondence regarding the proposed Project.

FA2-2

The FWS' comments concurring with the FERC's determinations of effects on listed species in California are noted.

FA2-3

The FWS' Biological Opinion (BO) was issued on April 20, 2007. The BO has been addressed in the analysis in Section 4.7 and included in the final EIS/EIR as Appendix R.

Mr. Michael J. Boyle (FWS-ERIV-5068.1)

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FA2-3
(cont'd)

As a reminder, the Act requires that after initiation of formal consultation, the Federal action agency make no irreversible or irretrievable commitment of resources that limits future options. This practice insures that agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

If you have any questions or concerns about this consultation or the consultation process in general, please contact Tyler Grant of my staff at (760) 431-9440.

Sincerely,


for Therese O'Rourke
Assistant Field Supervisor

Federal Agencies

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 20, 2006

Magalie R. Salas
Federal Energy Regulatory Commission
888 First St., NE., Room 1A
Washington DE 20426

Subject: Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR)
and Draft Land Use Plan Amendment for the North Baja Pipeline Expansion Project
FERC Project Nos. CP06-61-000 and CP01-23-003 California (CEQ #20060392)

Dear Ms. Salas:

FA3-1

The U.S. Environmental Protection Agency (EPA) would like to request an extension of time to review the DEIS/EIR and Draft Land Use Plan Amendment for the North Baja Pipeline Expansion Project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

Due to an unusually heavy workload, staffing changes and shortfalls within the Region 9 Environmental Review Office, we will be unable to complete the review by December 28, 2006. Therefore we request an extension until January 22, 2007 to provide comments on the DEIS/EIR. We do plan to submit comments and will get them to you as soon as possible.

If you have any questions, please contact me at (415) 947-4184 or Ann McPherson, the lead reviewer for the project. Ann can be reached at (415) 972-3545 or mcpherson.ann@epa.gov.

Sincerely,

/s/

Paula Bisson, Manager
Environmental Review Office
Communities and Ecosystems

Federal Agencies

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FA3-1

In a letter dated December 22, 2006, the FERC informed the U.S. Environmental Protection Agency (EPA) that it believed adequate time had been provided to review the draft EIS/EIR, particularly since the comment period was 90 days instead of the typical 45-day CEQA/National Environmental Policy Act (NEPA) comment period. As such, the FERC did not formally extend the comment period. However, the December 22, 2006 letter further stated that the FERC will consider all comments received within a time frame that allows for their review before the issuance of the final EIS/EIR, including those submitted outside of the comment period. In a letter dated January 22, 2007, the EPA submitted its comments on the draft EIS/EIR (see comment letter FA6). Those comments are addressed in the responses to comments FA6-1 to FA6-18.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO
ER06/935

Electronically Filed

28 December 2006

Honorable Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Subject: Review of Draft Environmental Impact Statement (DEIS) for the North Baja Pipeline Expansion Project, FERC Nos. CP06-61-000 and CP01-23-000, LaPaz County, Arizona and Riverside and Imperial Counties, California.

Dear Ms. Salas:

The U.S. Department of the Interior has received and reviewed the subject document and has the following comments to offer:

FA4-1

Bureau of Reclamation, Lower Colorado Region

As noted in the above-referenced letter and accompanying DEIS, federal lands withdrawn to and administered by the Bureau of Reclamation (Reclamation) for project purposes will be impacted by the North Baja Project Pipeline Expansion Project (Project).

Reclamation is currently in the planning stages for the Drop 2 Storage Reservoir (Drop 2) located within and/or adjacent to portions of the described Project area. The segment of your Project designated as the Imperial Irrigation District Lateral will potentially be affected by our Drop 2 project north of Interstate 8, within portions of Sections 31, 32, 33, 34, and 35, Township 16 South, Range 19 East, San Bernardino Meridian, Imperial County, California.

Continued coordination and cooperation among North Baja Pipeline, LLC; Bureau of Land Management (BLM), and Reclamation will be imperative in order to adequately address and plan for design and construction conflicts as these projects progress.

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Federal Agencies

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FA4-1

Section 4.15.6 has been revised to acknowledge a potential cumulative impact on traffic if the Bureau of Reclamation's (BOR) Drop 2 Storage Reservoir Project is constructed at the same time as the Imperial Irrigation District (IID) Lateral and that North Baja would continue coordination efforts with the BLM and the BOR.


- FA4-2 | Concurrence by Reclamation for any new or amendments to existing BLM right-of-way grants or temporary use permits for crossings of Reclamation-administered lands associated with this Project is required. In addition, we would appreciate your continued coordination regarding environmental and cultural issues on Reclamation-administered lands. Please direct any questions related to this issue to Reclamation's Ms. Peggy Haren at 928-343-8547.

U.S. Geological Survey
Specific Comments

- FA4-3 | **Page xv, Acronyms and Abbreviations:** The list defines USGS as "U.S. Geological Service." The correct agency name is the "U.S. Geological Survey."

- FA4-4 | **Page ES-9, Executive Summary, first paragraph; Page 4-47, Section 4.3.2.3, Water Supply Wells, third paragraph; and Page 4-60, Section 4.3.4, Arrowhead Alternative, second paragraph:** The text in these sections either indicates explicitly or implies that there is potential for construction activities to impact wells within 150 feet of the right-of-way. The document should indicate how this distance was chosen, such as in consideration of local hydrology and potential mobility of selected highway related contaminants. It might also benefit readers to point out that this is a general guide; impacts could occur over a greater or lesser distance depending on variables such as aquifer properties, pumpage rates, and depth of wells.

Thank you for the opportunity to review this project.

Sincerely,

 Patricia Sanderson Port
 Regional Environmental Officer

cc: Director, OEPC
 USGS
 BOR, Lower Colorado

Federal Agencies

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- FA4-2 | As discussed in Section 1.2.3, the BLM would consider the issuance of an amended Right-of-Way Grant and associated Temporary Use Permit that would apply to all BLM-managed and BOR-administered lands and would consider the concurrence or non-concurrence of the BOR in making its decision. The FERC and the CSLC will continue to coordinate with the BOR regarding environmental and cultural resources issues on BOR-administered lands.
- FA4-3 | The list of acronyms and abbreviations as well as Section 4.1.2 have been revised to correctly define "USGS" as "U.S. Geological Survey."
- FA4-4 | Section 4.3.2.3 has been revised to explain that the well search distance of 150 feet from the construction work area is specified in Title 18 Code of Federal Regulations (CFR) Part 380.12(d)(9) and that wells further from the construction work area would not likely be impacted by the Project under most conditions. Section 4.3.2.3 has also been revised to identify some of the factors, other than distance, that determine the potential for a well to be impacted by construction activities.



IN REPLY REFER TO:

YAO-7100
LND-6.00

United States Department of the Interior

BUREAU OF RECLAMATION
Yuma Area Office
7301 Calle Agua Salada
Yuma, Arizona 85364

ORIGINAL



TAKE PRIDE
IN AMERICA

Ms. Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street Northeast, Room 1A
Washington, DC 20426

Subject: Review Comments - Draft Environmental Impact Statement (DEIS) - North Baja Pipeline Expansion Project, Federal Energy Regulatory Commission (FERC) Docket Nos. CP06-61-000 and CP01-23-003, California State Clearinghouse No. 2006081127, and Bureau of Land Management (BLM) Reference No. CACA-42662 (Your Letter Dated 9/01/2006)

Dear Ms. Salas:

- FA5-1 As noted in the above-referenced letter and accompanying DEIS, federal lands withdrawn to and administered by the Bureau of Reclamation (Reclamation) for project purposes will be impacted by the North Baja Pipeline Expansion Project (Project).
- Reclamation is currently in the planning stages for the Drop 2 Storage Reservoir (Drop 2) located within and/or adjacent to portions of the described Project area. The segment of your Project designated as the Imperial Irrigation District Lateral will potentially be affected by our Drop 2 project north of Interstate 8, within portions of Sections 31, 32, 33, 34, and 35, Township 16 South, Range 19 East, San Bernardino Meridian, Imperial County, California. Continued coordination and cooperation between North Baja Pipeline, LLC; BLM, and Reclamation will be imperative in order to adequately address and plan for design and construction conflicts as these projects progress.
- FA5-2 Concurrence by Reclamation for any new or amendments to existing BLM right-of-way grants or temporary use permits for crossings of Reclamation administered lands associated with this Project

Federal Agencies

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- FA5-1 Section 4.15.6 has been revised to acknowledge a potential cumulative impact on traffic if the BOR's Drop 2 Storage Reservoir Project is constructed at the same time as the IID Lateral and that North Baja would continue coordination efforts with the BLM and the BOR.
- FA5-2 As discussed in Section 1.2.3, the BLM would consider the issuance of an amended Right-of-Way Grant and associated Temporary Use Permit that would apply to all BLM-managed and BOR-administered lands and would consider the concurrence or non-concurrence of the BOR in making its decision. The FERC and the CSLC will continue to coordinate with the BOR regarding environmental and cultural resources issues on BOR-administered lands.

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FA5-2
(cont'd) is required. In addition, we would appreciate your continued coordination regarding environmental and cultural issues on Reclamation administered lands. Please direct any questions related to this issue to Ms. Peggy Haren at 928-343-8547.

Sincerely,



Cynthia Hoeft, Director
Resource Management Office

cc: Ms. Patricia Port
Department of the Interior
Office of Environmental Policy
and Compliance
Jackson Center One
111 Jackson Street, Suite 520
Oakland, CA 94607

Mr. Tom Filler
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Federal Agencies

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